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United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE CAUSTIC POISON ACT

[Given pursuant to section 9 of the Caustic Poison Act]

26-33

[Approved by the Acting Secretary of Agriculture, Washington, D. C., December 4, 1935]

26. Misbranding of Champion Beer Pipe Cleaning Compound. U. S. v. The Slick Shine Co., Inc. Plea of guilty. Fine, \$25. (C. P. A. no. 29. Sample no. 68032-A.)

This case was based on an interstate shipment of a product which was misbranded, since it contained sodium hydroxide, a dangerous caustic or corrosive substance, in concentration of 10 percent, or more, namely, 31.8 percent, and was not labeled "poison", or with certain other information required by law.

On December 14, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Slick Shine Co., Inc., Newark, N. J., alleging shipment by said company, on or about March 14, 1934, from the State of New Jersey into the State of Pennsylvania, of a quantity of Champion Beer Pipe Cleaning Compound that was misbranded in violation of the Federal Caustic Poison Act.

The information charged that the article contained sodium hydroxide in a concentration of 10 percent or more, and was a dangerous caustic or corrosive substance in packages suitable for household use, and that it was misbranded in that the label on the package did not bear the common name of the said dangerous caustic or corrosive substance, namely, sodium hydroxide; that it did not bear the word "poison"; and that it did not contain the name and place of business of the manufacturer, packer, seller, or distributor.

On January 25, 1935, a plea of guilty was entered on behalf of the defendant company and on April 13, 1935, the court sentenced the defendant to pay a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

27. Misbranding of packages of Organic Cleanser. U. S. v. The United States Chemical Co., Inc. Plea of guilty. Fine, \$25. (C. P. A. no. 31. Sample no. 60937-A.)

This case was based on a shipment of Organic Cleanser, a dangerous caustic or corrosive substance in packages suitable for household use. The labels failed to bear the information and warning the law requires to be placed on the labels of such products as a safeguard in their use.

On December 28, 1934, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the United States Chemical Co., a corporation, Greenville, Ohio, alleging shipment by said company, on or about April 16, 1934, from the State of Ohio into the State of Indiana, of a quantity of Organic Cleanser, which was misbranded in violation of the Caustic Poison Act.

The article was alleged to be misbranded in that it was a dangerous caustic or corrosive substance in packages suitable for household use, and the label on the packages did not bear the common name of the dangerous caustic or corrosive substance, namely, hydrochloric acid, and it did not bear and have printed thereon the word "poison" in manner and form as required by law, nor adequate directions for treatment in case of accidental injury.

The information also charged a violation of the Insecticide Act of 1910, reported in Notice of Judgment no. 1358 published under that act. On January 18, 1935, the defendant entered a plea of guilty and the court imposed a fine of \$25 on each charge.

M. L. WILSON, *Acting Secretary of Agriculture.*

28. Misbranding of Apex Cresola Disinfectant. U. S. v. Apex Soap & Sanitary Corporation. Plea of guilty. Fine, \$50 and costs. (C. P. A. no. 32. Sample no. 60885-A.)

This case involved a product which was a dangerous caustic or corrosive substance within the meaning of the Caustic Poison Act, and which was not labeled as required by law.

On February 6, 1935, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Apex Soap & Sanitary Corporation, Pittsburgh, Pa., alleging shipment by said company in violation of the Federal Caustic Poison Act, on or about September 21, 1933, from the State of Pennsylvania into the State of Ohio, of a quantity of Apex Cresola Disinfectant which was misbranded.

The information charged that the article contained carbolic acid in a concentration of 5 percent, or more, and was a dangerous caustic or corrosive substance in packages suitable for household use, and was misbranded in that the label did not bear the common name of the said dangerous caustic or corrosive substance, namely, carbolic acid; in that the label did not bear the word "poison" as required by law; and in that the label did not bear directions for treatment in case of accidental personal injury.

The information also charged a violation of the Insecticide Act of 1910, reported in Notice of Judgment no. 1377, published under that act.

On April 2, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$50 and costs for violation of both acts.

M. L. WILSON, *Acting Secretary of Agriculture.*

29. Misbranding of packages of Skasol. U. S. v. Eighty-seven 1-Gallon Jugs of Skasol. Default decree of condemnation and destruction. (C. P. A. no. 45. Sample no. 20461-B.)

This case involved a product in packages suitable for household use containing more than 10 percent, namely 16.05 percent, of hydrochloric acid. The product was a dangerous caustic or corrosive substance, and was not labeled with the information and warning that the law requires be placed on the labels of such products as a safeguard in their use.

On February 13, 1935, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of eight-seven 1-gallon jugs of Skasol at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about October 20, 1934, by the Allied Engineering Products Co., from San Francisco, Calif., and that it was misbranded in violation of the Federal Caustic Poison Act.

The article was alleged to be misbranded in that it contained hydrochloric acid in concentration of 10 percent or more, and the label did not bear a statement giving the common name of the said dangerous caustic or corrosive substance, namely, hydrochloric acid; the label did not bear the word "poison"; and did not bear directions for treatment in case of accidental personal injury.

On March 7, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

30. Misbranding of Gilbert chemistry outfit sets. U. S. v. 32 Gilbert Chemistry Outfit Sets. Product released under bond conditioned that it be made to comply with the law. (C. P. A. no. 46. Sample no. 22007-B.)

This case involved a number of chemistry sets which contained, among other chemicals, solutions containing acetic acid, unneutralized sulphuric acid, and ammonia, respectively, in concentrations which brought the product within the definition of dangerous caustic or corrosive substances under the Caustic Poison Act. The labels failed to bear the information and warning that the law requires be placed on the labels of such products as a safeguard in their use.

On February 27, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 32 Gilbert chemistry outfit sets at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about October 26, 1934, by the A. C. Gilbert Co., from New Haven, Conn., and charging misbranding in violation of the Caustic Poison Act. The sets were labeled in part: "Gilbert Chemistry Outfit" and contained items labeled "Acetic Acid", "Sodium Bisulphate", or "Ammonia."

The article was alleged to be misbranded in that it contained dangerous caustic or corrosive substances in packages suitable for household use, since the acetic acid was in concentration of 20 percent or more, namely 30.5 percent; the sodium bisulphate contained 10 percent or more unneutralized sulphuric acid, namely, 39.0 percent; the ammonia consisted of ammonia in a concentration of 5 percent or more, namely, 5.2 percent; and the word "poison" and directions for treatment in case of accidental personal injury were not borne on the label.

On March 26, 1935, the A. C. Gilbert Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered ordering that the product be released under cash bond conditioned that the acetic acid, sodium bisulphate, and ammonia solutions in the outfits be removed; and that acetic acid in the concentration of less than 20 percent, sodium bisulphate containing less than 10 percent of unneutralized sulphuric acid, and ammonia in a concentration of less than 5 percent be substituted therefor.

M. L. WILSON, *Acting Secretary of Agriculture.*

31. Misbranding of chemistry outfits. U. S. v. 23 Sets of Chemistry Outfits. Default decree of condemnation and destruction. (C. P. A. no. 49. Sample no. 25179-B.)

This case involved a chemistry outfit, one of the items of which contained sulphuric acid in a concentration of 10 percent or more, namely, 32.9 percent. The article was a dangerous caustic or corrosive substance in packages suitable for household use, and was not labeled with the word "poison" nor with directions for treatment in case of accidental personal injury.

On March 12, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 23 sets of chemistry outfits at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about January 8 and January 21, 1935, by the Midgetlab Co., from St. Louis, Mo., and charging misbranding in violation of the Caustic Poison Act.

The article was alleged to be misbranded in that the label did not bear the word "poison", and did not contain directions for treatment in case of accidental personal injury.

On May 6, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

32. Misbranding of toy balloons. U. S. v. 1 Gross of Buck Rogers Strat-O-Sphere Dispatch Balloon. Default decree of condemnation and destruction. (C. P. A. no. 50. Sample no. 22696-B.)

This case involved a toy balloon outfit. One of the items in each package consisted of a quantity of sodium bisulphate containing free and chemically unneutralized sulphuric acid in a concentration of 10 percent or more, namely, 36.24 percent. The article was a dangerous caustic or corrosive substance in packages suitable for household use, and was not labeled with the information and warning that the law requires be placed on the labels of such products.

On March 18, 1935, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1 gross of Buck Rogers Strat-o-Sphere Dispatch Balloons at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about February 25, 1935, by Thornecraft, Inc., from Chicago, Ill., and charging misbranding in violation of the Federal Caustic Poison Act.

The article was alleged to be misbranded in that it was a dangerous caustic or corrosive substance in packages suitable for household use, and the label did not bear the common name of the said dangerous substance, did not bear the word "poison", and did not bear directions for treatment in case of accidental personal injury.

On April 25, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

33. Misbranding of Eugene Steam Sachets. U. S. v. 39 Sets of Eugene Steam Sachets. Default decree of condemnation and destruction. (C. P. A. no. 52. Sample no. 24339-B.)

This case involved a product containing ammonia, a dangerous caustic or corrosive substance, in concentration of 5 percent or more. The product was misbranded in violation of the Caustic Poison Act, since the label failed to bear

the word "poison" and the common name of the said dangerous caustic or corrosive substance.

On June 10, 1935, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 39 sets of Eugene Steam Sachets at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce, on or about May 15, 1935, by Eugene, Ltd., from New York, N. Y., and charging misbranding in violation of the Caustic Poison Act.

The article was alleged to be misbranded in that the label did not bear a statement giving the common name of the dangerous caustic or corrosive substance, ammonia, contained in the article, and in that the word "poison" did not appear upon the label as required by law.

On July 8, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

INDEX TO NOTICES OF JUDGMENT 26-33

	N. J. no.		N. J. no.
Apex Cresola Disinfectant:		Eugene Steam Sachets:	
Apex Soap & Sanitary Corpora-		Eugene, Ltd.-----	33
tion-----	28	Organic Cleanser:	
Champion Beer Pipe Cleaning Com-		United States Chemical Co.---	27
pound:		Skasol:	
Slick Shine Co., Inc.-----	26	Allied Engineering Products Co.	29
Chemistry outfits:		Toy balloons:	
Gilbert, A. C., Co.-----	30	Thornecraft, Inc.-----	32
Midgetlab Co.-----	31		